

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

v.

HENRY P. ALFANO

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CRIMINAL ACTION

No. 13-cr-00039-8

ORDER

AND NOW, this 29th day of April, 2014, upon consideration of Defendant Henry P. Alfano's Motion to Dismiss Indictment by Reason of Selective Prosecution (Doc. No. 147), and the Government's Response in Opposition (Doc. No. 155), it is hereby **ORDERED** that the Motion is **DENIED** because Defendant Henry P. Alfano did not provide evidence that persons similarly situated have not been prosecuted and that the decision to prosecute was made pursuant to an unjustified standard, such as race, religion, or some other arbitrary factor. See United States v. Schoolcraft, 879 F.2d 64, 68 (3d Cir. 1989).

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE